

REMARKS

Claims 31-53 are pending in this application. By this Amendment, claim 42 is amended merely for antecedent basis. Entry of this amendment is proper under 37 C.F.R. §1.116 because the amendment does not raise any new reasons that require further search and/or consideration.

Applicants gratefully acknowledge the courtesies extended by Examiner Dean during the personal interview on September 13 with applicants' representative, Mr. Oren. The substance of the interview is incorporated in the following remarks.

The Office Action rejects claims 31 and 33-38 under 35 U.S.C. §102(e) over newly-cited U.S. Patent 6,650,905 to Toskala et al. (hereafter Toskala). The Office Action rejects claims 32, 39-43 and 49 under 35 U.S.C. §103(a) over Toskala and newly-cited U.S. Patent Publication 2001/0036823 to Van Lieshout et al. (hereafter Van Lieshout). Still further, the Office Action rejects claims 44-48 and 50-53 under 35 U.S.C. §103(a) over Van Lieshout, Toskala and TSG-RAN Working Group (TSG-RAN Working Group 3 Meeting #11, Radio Interface Parameter Updates) (hereafter TSG-RAN). The rejections are respectfully traversed.

Independent claim 31 recites determining whether a primary base station exists among the at least one selected base station and controlling the transmission power of the TFCI using a power offset based on determining whether the primary base station exists among the selected at least one base station.

Toskala discloses a DSCH associated with a DCH (col. 9, lines 65-67), a SSDT operation (col. 10, lines 18-29) and a power control method for a DPCH (col. 10, lines 30-42). Toskala also discloses that a transmission power of a TFCI field is determined by adding offset P01 to

DPCCH power level (P1) which is updated regardless of the SST operation. However, Toskala does not relate to power control method of a TFCI 2 and/or a TFCI of a DSCH. As discussed during the personal interview, Toskala does not teach or suggest (inherently) controlling the transmission of the TFCI for the DSCH, as alleged in the Office Action.

Toskala does not teach or suggest all the features of independent claim 31. That is, as discussed at the personal interview and as admitted in the Interview Summary Record, Toskala does not teach or suggest controlling the transmission power of the TFCI using a power offset based on determining whether the primary base station exists among the selected at least one base station. Accordingly, independent claim 31 defines patentable subject matter.

Independent claim 38 also defines patentable subject matter. That is, independent claim 38 recites measuring a first signal to interference ratio (SIR) using pilot signals in a dedicated physical control channel (DPCCH), measuring a second SIR using TFCI signals in the DPCCH, and independently controlling a transmission power of the DCH and the TFCI for the DSCH based on the measured first and second SIRs.

As discussed at the personal interview and as admitted in the Interview Summary Record, Toskala does not teach or suggest measuring a second SIR using TFCI signals in the DPCCH in combination with independently controlling a transmission power of the DCH and the TFCI for the DSCH based on the measured first and second SIRs. Accordingly, independent claim 38 defines patentable subject matter.

Independent claim 39 relates to a transport format combination indicator (TFCI) for a downlink shared channel (DSCH) in a second radio network controller (RNC). Independent

claim 39 also recites receiving from the first RNC, a control frame including a parameter for controlling a transmission power for the TFCI for the DSCH and transmitting to at least one base station in the second RNC, a control frame including the parameter.

As discussed at the personal interview, a transmit power of the TFCI 2 may be controlled independently of the TFCI. TFCI 2 therefore may utilize a power control parameter. For example, a second RNC may receive a control frame including a control parameter from the first RNC, and transmit a control frame including the control parameter to base stations in the second RNC.

Toskala and Van Lieshout do not teach or suggest all the features of independent claim 39. Toskala does not suggest the claimed control frame including a parameter for controlling a transmission power for the TFCI for the DSCH. Van Lieshout does not teach or suggest these missing features. More specifically, Van Lieshout teaches an operation of RNC and a transport bearer. See Figure 1, Section [0018] and Section [0020], lines 1-8. As discussed in Van Lieshout, a RNC performs a DRNC or a SRNC, and a transport bearer relates to a transport channel including user data and control information. However, Van Lieshout does not teach or suggest transmitting power control information of TFCI 2 and/or TFCI of a DSCH (when the power control may be independent of the other fields of the DPCCH).

As discussed at the personal interview, Toskala and Van Lieshout do not teach or suggest all the features of independent claim 39, as they do not relate to a parameter for controlling a transmission power for the TFCI for the DSCH. Accordingly, independent claim 39 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 31, 38 and 39 define patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references. For example, dependent claim 40 recites that the TFCI for the DSCH is coded by a code word which is different from a code word of a TFCI for a dedicated channel (DCH). Still further, dependent claim 41 recites that the handover is a soft-handover for a dedicated channel (DCH), and a hard-handover for the DSCH. For at least the reasons set forth above, Toskala and Van Lieshout do not teach or suggest these features. Thus, dependent claims 40-41 define patentable subject matter at least for these additional reasons.

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CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 31-53 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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